



DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:

5720

Ser N01J/1713

January 25, 2018

Mr. Charles D. Jamieson
101 E. Coso
P.O.B. 2238
Ridgecrest, CA 93555

Dear Mr. Jamieson:

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST CASE FILE NUMBER 2018-09

This letter is in response to your Freedom of Information Act (FOIA) request for a copy of the "final report for the hostile work environment report" that you filed as an employee of Naval Munitions Command. Your request was received on January 3, 2018 and assigned FOIA case file number 2018-09 which was processed under both the FOIA and Privacy Act.

We conducted a search of the records maintained by subject matter experts on the staff of the U.S. Pacific Fleet and located a copy of a management inquiry that was conducted as a result of your complaint of a hostile work environment. Attached please find the document responsive to your request. It is noted that names and personal identifiers of individuals are protected pursuant to exemption (b)(6). Release of this information would constitute an unwarranted invasion of the personal privacy of individuals. There are no assessable fees associated with your request.

If you are not satisfied with my action on this request, you may appeal by writing to the Department of the Navy, Office of the General Counsel, 1000 Navy Pentagon, Room 5A532, Washington, DC 20350-1000 within 90 calendar days from the date of this letter. A statement as to why your appeal should be granted and a copy of this letter should be attached. Both the appeal letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

You also have the right to seek dispute resolution services by contacting the Department of the Navy's FOIA Public Liaison, Mr. Christopher Julka, at (703) 697-0031 or via email at christopher.a.julka@navy.mil. If you have further questions or concerns for my office, my point of contact is Ms. Lisa Aguon who may be contacted at (808) 474-6792 or via email at lisa.aguon@navy.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "E. G. NG", is written over the typed name.

E. G. NG
Captain, JAGC, U.S. Navy
Fleet Judge Advocate

11 Sep 17

From: (b)(6) [REDACTED]
To: Explosives Safety Director, NMCPAC CWD

Subj: MANAGEMENT INQUIRY OF ALLEGED HOSTILE WORK ENVIRONMENT

- Encl: (1) Appointment Letter for Inquiry dated 14 Aug 17
(2) Witness Statement of Mr. Charles Jamieson dated 16 Aug 17
(3) Witness Statement of (b) [REDACTED] dated 17 Aug 17
(4) Witness Statement of [REDACTED] dated 18 Aug 17
(5) Witness Statement of (b) [REDACTED] dated 18 Aug 17
(6) Witness Statement of (b) [REDACTED] dated 31 Aug 17
(7) Witness Statement of (b) [REDACTED] dated 16 Aug 17
(8) Witness Statement of (b) [REDACTED] dated 18 Aug 17
(9) Witness Statement of (b) [REDACTED] dated 18 Aug 17
(10) Witness Statement of (b) [REDACTED] dated 17 Aug 17
(11) Witness Statement of (b) [REDACTED] dated 30 Aug 17
(12) Witness Statement of (b) [REDACTED] dated 29 Aug 17
(13) Employee Information and Acknowledgement Form, Mr. Charles Jamieson dated 14 Aug 17
(14) Employee Information and Acknowledgement Form, (b) [REDACTED] dated 15 Aug 17
(15) Employee Information and Acknowledgement Form, (b) [REDACTED] dated 14 Aug 17
(16) Employee Information and Acknowledgement Form, (b) [REDACTED] dated 15 Aug 17
(17) Employee Information and Acknowledgement Form, (b) [REDACTED] dated 15 Aug 17
(18) Employee Information and Acknowledgement Form, (b) [REDACTED] dated 15 Aug 17
(19) Employee Information and Acknowledgement Form, (b) [REDACTED] dated 15 Aug 17
(20) Employee Information and Acknowledgement Form, (b) [REDACTED] dated 15 Aug 17
(21) Employee Information and Acknowledgement Form, (b) [REDACTED] dated 16 Aug 17
(22) Employee Information and Acknowledgement Form, [REDACTED] dated 16 Aug 17
(23) Electronic mail from (b)(6) [REDACTED] granting permission for (b) [REDACTED] to provide testimony dated 15 Aug 17
(24) Letter of Instruction dated 17 Nov 16
(25) (b) [REDACTED] Hostile Work/Negative Team Environment letter dated 2 Feb 2017
(26) Statement from (b) [REDACTED] dated 4 Apr 17
(27) Statement from (b) [REDACTED] dated 4 Apr 17

1. Purpose: On 11 Aug 2017, I was tasked to conduct a Management Inquiry to address the allegation that a Hostile Work Environment has been created at NAWS China Lake Explosives Safety office by (b) [REDACTED]. A hostile work environment is: Whether an objectively

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hostile or abusive work environment exists is based on whether a reasonable person in the complainant's circumstances would have found the alleged behavior to be hostile or abusive. The incidents must have been "sufficiently severe or pervasive to alter the conditions of complainant's employment and create an abusive working environment.

2. Process: On 14 Aug 2017, I traveled to NAWA China Lake to conduct interviews. The personnel named on enclosures (2) through (12) were interviewed between the dates of 14-16 Aug 2017. Interviewees were informed that the information they provided during their interview would not be shared with other interviewees or non-leadership who do not have a valid need to know. Civilian employees interviewed were also given an Official Management Inquiry Employee Information and Acknowledgement Form to review, initial and sign. These documents are enclosures (13) through (22). During the interview, employees were asked if there were other people that they thought should be interviewed. Following the interviews, I transcribed my notes and then had each interviewee review the notes I had taken. Once the information was agreed upon, each interviewee read and signed their formal Witness Declaration.

3. Discussion: On 17 Jul 2017, Mr. Jamieson contacted (b) [REDACTED], COMPACFLT HRO, via electronic mail stating that (b) [REDACTED] supervisor, (b) [REDACTED], has created a hostile workplace that consists of harassment and bullying.

4. Findings:

a. Hostile Work Environment.

1. Mr. Jamieson is claiming that (b) [REDACTED] has created a hostile work environment and has been harassing him. Mr. Jamieson claims he has been isolated in his office and has not been allowed to do his job since mid-April 2017. He also states that documentation filed against him, in support of a suspension, was false and misleading. He also alleges that he has not received any documentation from his supervisor regarding expectations of work performance (good or bad) and also that he has not received last year's performance appraisal close-out or this year's mid-term evaluation.

2. Based on enclosures (4) through (7), (9) and (11), Mr. Jamieson's allegation of a hostile work environment caused by (b) (6) [REDACTED], Supervisory, Explosives Safety Specialist is unsubstantiated. Mr. Jamieson's claim that he has been isolated in his office is not valid. Mr. Jamieson shares an office with (b) [REDACTED] Explosive Safety Specialist. Additionally, the explosives safety office routinely has team building activities which Mr. Jamieson declines to participate in as supported by enclosures (3) and (5) through (7).

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It is true that Mr. Jamieson has not conducted field inspections, and has been assigned administrative duties for the past several months. It was determined by (b) [REDACTED], based on complaints received from tenant commands, enclosures (8) through (10), concerning Mr. Jamieson's inappropriate conduct and behavior, to assign Mr. Jamieson administrative duties within his position description.

3. Enclosures (4), (9), and (25) imply that a hostile work environment has been created by Mr. Jamieson based on his lack of professionalism, inappropriate conduct and behavior as evidenced in enclosures (3) through (10).

b. **Performance Appraisal closeout.** In enclosure (2), Mr. Jamieson has stated that he was not provided with a closeout performance appraisal for the period ending 31 Jan 2017. The last time Mr. Jamieson was provided feedback on his performance was during the mid-term progress review dated 1 Aug 2016 at which time he was performing satisfactory. (b) [REDACTED], during the interview and supported by enclosure (3), stated that "I did not do a close-out performance appraisal for Chuck Jamieson due to HR. My intention was to grade him unacceptable but HR informed me that I needed to mark him acceptable. Since I was not able to grade Chuck Jamieson accurately, I chose to not submit a performance appraisal on him. This had no negative impact because HR rated him acceptable."

c. **Reassignment of duties.** In enclosure (2), Mr. Jamieson has stated that he has been kept in the office with nothing to do for the past several months. (b) [REDACTED] has directed that Mr. Jamieson remain in his office and work on meaningful administrative projects for the reasons identified below.

1. During the interview with (b) [REDACTED] he stated that he has kept Mr. Jamieson in the office due to complaints from tenant commands about Mr. Jamieson's behavior and inappropriate conduct.

2. (b) [REDACTED] enclosure (8) has requested that (b) [REDACTED] "assign someone other than Chuck to provide oversight of our program." In enclosure (9), (b) [REDACTED] "asked to keep Chuck out of my area and have him go pick another code to pick on."

3. Enclosures (8) and (9) state that Mr. Jamieson deliberately pointed out deficiencies to inspectors during previous ESIs. Furthermore, enclosures (26) and (27) from (b)(6) [REDACTED] employees state that Mr. Jamieson told them they are wasting their time preparing for the ESI and they are going to fail the ESI anyway. (b) [REDACTED] in enclosure (3) stated that "Chuck wanted the Explosives Safety Inspection (ESI) to fail to prove that (b)(6) [REDACTED] were incompetent and prove him right." As a result of Mr. Jamieson's behavior and comments, (b) [REDACTED] decided to keep Mr.

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Jamieson out of the field. On the recommendation of (b) [REDACTED] (b)(6) [REDACTED] from COMPACFLT HRO, (b) [REDACTED] moved Mr. Jamieson to another location to work on an important project right before the ESI as stated in enclosure (3).

5. Conclusion: Evidence does not support the allegation of a hostile work environment caused by (b) [REDACTED]. Statements collected do not support Mr. Jamieson's perception of harassment and bullying. However, witness statements and other evidence does support a hostile work environment caused by Mr. Jamieson. Evidence also suggests Mr. Jamieson's lack of professionalism and inappropriate conduct and behavior are due to several hiring actions and other events that have occurred at NAWS China Lake since Mr. Jamieson was hired as an Explosives Safety Specialist (GS-0017-9). Additionally, witness statements support that considerable friction exists between Mr. Jamieson and explosive safety personnel and personnel from other tenant commands. Based on witness statements, there is no indication that (b)(6) (b)(6) [REDACTED] treats Mr. Jamieson different from the other employees in the explosives safety office.

(b)(6) [REDACTED]